



County of Los Angeles  
**CHIEF ADMINISTRATIVE OFFICE**

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DAVID E. JANSSEN  
Chief Administrative Officer

September 12, 2003

To: Supervisor Yvonne Brathwaite Burke, Chair  
Supervisor Gloria Molina  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: David E. Janssen  
Chief Administrative Officer

Board of Supervisors  
GLORIA MOLINA  
First District

YVONNE BRATHWAITE BURKE  
Second District

ZEV YAROSLAVSKY  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

**FEDERAL LEGISLATIVE UPDATE**

This week, Congressional action occurred on a number of major Federal issues of County interest.

**Temporary Assistance to Needy Families (TANF) Reauthorization (H.R. 4)**

On September 10, 2003, the Senate Finance Committee approved its version of a bill (H.R. 4) to reauthorize the Temporary Assistance to Needy Families (TANF) Program at the current \$16.5 billion a year funding level through Federal Fiscal Year (FFY) 2008. The vote was 9 to 8 along party lines. Similar to the House-passed bill, the Senate bill would gradually increase the work participation rate requirement for states from 50 percent to 70 percent. The Senate version would not increase the number of hours of work required of TANF recipients by as many hours as the House bill, and generally would give states and TANF recipients greater flexibility in meeting work participation requirements, though less flexibility than current law.

The Senate version also includes non-TANF health provisions of County interest. Transitional Medical Assistance (TMA), which provides transitional Medicaid coverage to welfare families whose increased earnings would otherwise make them ineligible for Medicaid, would be reauthorized and amended to increase the time limit for TMA coverage from 12 months to 24 months.

In addition, the bill includes a provision to prohibit the Secretary of Health and Human Services (HHS) from approving state waivers to allow childless adults to be covered under State Children's Health Insurance Program (SCHIP). HHS has approved. Based on Board policies supporting proposals which provide states with greater flexibility over the use of SCHIP funds included in the Federal Agenda adopted by the Board on February 4, 2003, **the County's Washington Advocates will oppose this provision.**

A major point of contention between Republicans and Democrats is the level of child care funding. Similar to the House bill, the Senate version would increase child care funding by \$1 billion over five years. To secure Senator Snowe's (R-ME) vote which was needed to pass the bill, Finance Committee Chairman Grassley (R-IA) promised that she would be allowed to offer a floor amendment to increase child care funding by up to \$6 billion. Democrats and some moderate Republicans believe that additional child care is needed to enable more TANF recipients to work more hours.

It is unclear when the bill, which is not yet available in print, will go to the Senate floor. At this point, there are enough contentious issues in the bill that would raise potential filibusters. Last week, Senate Majority Leader Frist (R-TN) announced his list of "must-pass" legislation before the end of the year, which did not include TANF reauthorization. Similar to last year, if the Senate does not pass a TANF reauthorization bill, TANF is likely to be extended temporarily through an FFY 2004 Continuing Resolution.

#### **FFY 2004 Labor/Health and Human Services (HHS)/Education Appropriations**

The Senate passed S. 1356, its version of the FFY 2004 Labor/HHS/Education Appropriations Bill, on September 10, 2003. As previously reported to your Board, the bill funds most programs at or near current levels. The Senate did not adopt any floor amendments which changed funding levels for County-priority programs from the version reported by the Senate Appropriations Committee. The House passed its version, H.R. 2660, in July. The legislation now goes to a Senate-House Conference Committee.

It is doubtful that the Conference Committee will be completed before October 1, 2003, the start of FFY 2004. None of the 13 FFY 2004 appropriations bills have been enacted, and it is virtually certain that a short term Continuing Resolution will be enacted to continue Federal operations, pending enactment of the FFY 2004 appropriations bills.

#### **California's Republican Congressional Delegation Letter on Driver's License Bill**

Attached is a copy of a recent letter signed by all members of California's Republican Congressional delegation to Governor Davis objecting to the enactment of SB 60 (Cedillo), which would allow any individual ineligible to receive a Social Security Number, including undocumented immigrants, to obtain a California's driver's license based on the Federal Individual Taxpayer Identification Number (ITIN). The letter raises the concern that the bill not only endangers the public's safety, but also will "make it more difficult to defend California's needs in programs like the State Criminal Alien Assistance Program."

### **State Criminal Alien Assistance Program (SCAAP) Funding**

In the September 5, 2003 Federal update to your Board, it was incorrectly reported that the State of California's FFY SCAAP payment will be \$95,304,541. The State's SCAAP payment actually will be \$66,182,010. Total SCAAP payments to California, including its counties, will drop from \$220,241,046 in FFY 2002 to \$95,304,541 in FFY 2003.

### **Pursuit of County Position**

On September 10, 2003, the Senate Finance Committee also approved **S. 622**, the Family Opportunity Act (FOA) of 2003, a bipartisan bill with 63 co-sponsors that would give states the option to extend Medicaid coverage to disabled children whose family income is up to 250 percent of the poverty level. The bill also would allow individuals under 21 years of age requiring inpatient psychiatric hospital services to be covered under a Medicaid home and community-based services waiver. The House Energy and Commerce Committee has not scheduled any mark up of H.R. 1811, the House FOA bill, which has 80 co-sponsors. Based on Board policies supporting proposals which would expand Medicaid coverage to more persons included in the Federal Agenda adopted by your Board on February 4, 2003, **the County supports enactment of the FOA (S. 622/H.R. 1811).**

On September 10, 2003, the House Judiciary Committee approved on a voice vote, **H.R. 3036**, a bill to reauthorize Department of Justice (DOJ) operations through FFY 2006. Of major interest to the County, the bill includes a provision to combine the Local Law Enforcement Block Grant (LLEBG) and Byrne Grant into a new Byrne Justice Assistance Grant Program. Unlike the President's FFY 2004 budget proposal to replace the current LLEBG and Byrne grants with a new Justice Assistance Grant (JAG) that would be funded at \$600 million in FFY 2004, H.R. 3036 would authorize \$1.075 billion a year for JAG, which is far more than the \$760 million in combined FFY 2003 LLEBG and Byrne formula grants.

Under the bill, half of all funds would be allocated to states based on population, the same as the Byrne Grant formula, and half would be allocated based on violent crime rates, the same as the LLEBG formula, with the same small state minimum requirement of 0.25 percent that applies under the current Byrne and LLEBG programs.

Under current law, states must pass through LLEBG funds to local governments while Byrne Grant funds are divided between state and local governments based on their relative percentage of total criminal justice expenditures in a state. Under H.R. 3036, 60 percent of total JAG funds would be allocated within a state in accordance with the current Byrne Grant, and the remaining 40 percent would be allocated to local governments using a new allocation formula. Under this formula, funds first would be divided among types of local governments (e.g., cities, counties, and townships) based

on each type's percentage share of their aggregate criminal justice expenditures. Funds for each type of local government then would be allocated based on the number of violent crimes. This new allocation formula would be favorable for the County because California counties' criminal justice expenditures are high relative to cities, and the County's violent crime rate is high relative to other counties.

The bill also makes a number of other improvements to current law that would benefit the County:

- It would provide the County with greater flexibility over the use of funds.
- Unlike the current Byrne and LLEBG programs, the new grant would not have a non-Federal match requirement.
- States and localities would be allowed to place JAG funds into an interest-bearing account prior to spending the funds.
- In addition to Byrne formula grants, Byrne discretionary grants, which are awarded on a competitive basis, also would be merged into the new grant, which should result in more funding for both California and the County.

The bill's JAG provisions not only would benefit the County, but also are consistent with policies included in the Board-adopted Federal Agenda supporting the allocation of LLEBG and other anti-crime block grant funds to local governments based on relative need, as measured by crime rates and criminal justice expenditures, the elimination of local match requirements under anti-crime programs, and increased flexibility over the use of funds. **The County's Washington Advocates, therefore, will support these provisions.**

The full House may act on H.R. 3036 later this year. However, House Judiciary Chairman Sensenbrenner (R-WI) stated that he does not believe that a DOJ reauthorization bill will be adopted by both Houses until next year, at the earliest.

We will continue to keep you advised of any new developments.

Attachment

DEJ:GK  
MAL:MT:ib

c: Executive Officer, Board of Supervisors  
County Counsel  
All Department Heads  
Legislative Strategist